



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.13526 of 2009

and

M.P. (MD) .No.1 of 2009

M.A.Raju

... Petitioner

Vs.

- 1.Shri M.S.Prabakaran
- 2.Dr.S.M.Ramasamy
- 3.Dr.G.Pankajam
- 4.Dr.M.R.Kubendran
- 5.Dr.S.Ganesh
- 6.Shri.Upamanyu Basu
- 7.Dr.Alakh Narayan Sharma
- 8.Dr.R.Udhayakumar
- 9.Dr.M.William Baskaran
- 10.Dr.P.Anandakumar
- 11.Dr.M.G.Sethuraman
- 12.The Registrar

Gandhigram Rural Institute,
Deemed to be University,
Gandhigram 624 302,
Dindigul District.

R12 is impleaded vide Court order dated
04.01.2021 made in W.M.P.(MD).No.13554 of 2020
in W.P.(MD).No.13526 of 2009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent culminating into the office order of the first respondent in Ref.2001/Est.5/2009-2010/3121, dated 12.10.2009 and quash the same and direct the respondents not to interfere with the services of the petitioner in any manner.

For Petitioner

: Mr.Rajaraman
for Mr.M.K.Hidayathullah

For R1 to R6, R8 to R12 : Mr.M.Senthilkumar

O R D E R

This writ petition has been filed challenging the order of compulsory retirement dated 12.10.2009 and to quash the same.



2. The case of the petitioner is that on 10.05.1991, the petitioner was appointed as an Attender in the Library of Gandhigram Rural Institute, which is a Deemed University under the direct control of the Ministry of Human Resource Development, Government of India, New Delhi. While he was working as a Lower Division Clerk, a charge memo was issued against the petitioner as if he wrote a letter directly to the Chancellor of the University making certain allegations against the Members of the Administrative Committee, without any material. Thereafter, an Enquiry Officer was appointed and the Enquiry Officer has filed a proven minute against the petitioner. Based on the proven minute, the impugned order of compulsory retirement was passed against the petitioner, on 12.10.2009. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's signature was inserted by some third parties and he has not sent any letter to the Chancellor of the University and without affording any opportunity, the major punishment of compulsory retirement was imposed against him. Hence, he seeks to remand the matter back for fresh consideration.

4. The learned counsel appearing for the respondents Institute is inclined to consider the matter, if the matter is remanded back to the 12th respondent.

5. Considering the view expressed by the learned counsel for the petitioner as well as the learned counsel for the respondents, this Court is inclined to remand the matter back for fresh consideration. Accordingly, the impugned order of compulsory retirement dated 12.10.2009 passed by the 12th respondent is set aside and the matter is remanded back to the 12th respondent for fresh consideration and disposal and the petitioner is also directed to co-operate with the enquiry. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Registrar
Gandhigram Rural Institute,
Deemed to be University,
Gandhigram 624 302,
Dindigul District.

+1 CC to Mr.M.SENTHIL KUMAR, Advocate (SR-2061[F] dated 25/01/2021)

+1 CC to Mr.M.K.HIDAYATULLAH, Advocate (SR-1747[F] dated 22/01/2021)

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21.01.2021

(NSM)
KV(01.03.2021) 3P 4C